

REMARKS

Claims 1, 2, 4, 7-9, 11-16, and 53-68 are pending in this application. Claims 3, 5, 6, and 10 are canceled and claims 17-52 have been withdrawn from consideration herein. Claims 1, 2, 4, 7-9, and 11-16 have been amended and claims 53-68 have been added herein. In view of these amendments and remarks, Applicant respectfully requests reconsideration of the claims.

The drawings were objected to for an improper FIG. designation. The drawings have been corrected. Replacement drawings are included herewith.

Claims 1-3, 5-7, 9-11, and 13-15 were objected to because of informalities. However, these claims have been amended such that this rejection is now moot.

In addition, claims 5, 10, and 13 were objected to as being dependent on a rejected claim. However, as discussed in detail below, the subject matter of claims 5, 10, 12, 13, and 15 is now provided in independent format. It is also noted that claims 12 and 15 were not rejected, nor were they allowed or indicated as allowable. They were, however, objected to. Therefore, applicant has treated them the same as claims 5, 10, and 13, that is, allowable if in independent form.

Claims 1-4, 6-9, 11, 14, and 16 were rejected over U.S. Patent Application No. 2002/0102843 to Seta, *et al* under 35 U.S.C. 102(b) as being anticipated, or under 35 U.S.C. 103(a) as being obvious.

More specifically, dependent claim 5 (indicated as allowable if rewritten in independent form) has been canceled and its limitations and the limitation of intervening claim 3 included in independent claim 1. Therefore, claim 1 is now allowable. Dependent claims 4, 7, and 8 have all been amended such that they depend from claim 1, as does claim 2. Therefore, claims 2, 4, 7,

and 8 are also allowable not only for their own limitations, but also for depending from a claim deemed allowable.

Similarly, dependent claim 10 (indicated allowable) has been canceled and its limitations included in independent claim 9. Therefore, claim 9 is allowable. Dependent claims 11-16 all depend from independent claim 9 and are therefore also allowable.

Objected to (and indicated allowable) claim 13 has also been canceled and its limitations included in new independent claim 53. In addition, new claims 54-57 all depend from allowable claim 53 and are therefore believed allowable not only for their own limitations, but also for depending from a claim deemed allowable.

As mentioned above, dependent claims 12 and 15 were not rejected, but were objected to (presumably for informalities). They were not, however, objected to for being dependent on rejected parent claim 9. However, as dependent claims, these claims have also been canceled and rewritten as new independent claims 58 and 58 respectively and are believed to be allowable.

New independent claim 60 is substantially the same as amended claim 1, and includes the limitations of allowed claim 5, concerning an etch stop layer but does not include the limitations of intervening claim 3. However, it is believed that this new claim 60 is clearly patentable over the Seta, *et al.* reference, as Seta, *et al.* does not include the etch stop layer. Further, new dependent claims 61 and 62 are also believed allowable, not only for their own limitations, but also for depending from a claim deemed allowable.

New independent claim 63 has some similarity as the original claim 9, except it does not include the objected to language of the original claim 9. Further, new independent claim 63 clarifies that both the "at least one conductive line" and the dielectric material lie in the same layer unlike the Seta, *et al.* reference, wherein the low-k or first dielectric lies above the

conductive lines. New dependent claims 64-66 all depend from new independent claim 63 and are also believed allowable.

In view of the above, Applicant respectfully submits that the application is in condition for allowance and requests that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicant requests that the Examiner contact Applicant's attorney at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge the appropriate fees to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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